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8 **BEFORE THE**  
**OFFICE OF ADMINISTRATIVE HEARINGS**  
9 **STATE OF CALIFORNIA**

10 In re Petition for Interim Suspension  
11 Order Against:

RCB Case No. 1H 2007 692

12 KIM LOUISE MOSCATIELLO  
1240 Luther Way #18  
13 Salinas CA 93901

**STIPULATION TO INTERIM  
ORDER OF SUSPENSION;  
ORDER**

14 Respiratory Care Practitioner License  
No. 13312

15 Respondent.  
16

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties  
18 to the above-entitled proceedings that the following matters are true:

- 19 1. On or about December 18, 2007, John M. Nevill, Director of  
20 Cardiopulmonary Services at Natividad Medical Center (NMC) faxed an Employer  
21 Mandatory Reporting form to the Respiratory Care Board, stating that respondent Kim  
22 Louise Moscatiello was placed on investigatory leave from her position as a respiratory  
23 therapist due to a report that she stole morphine<sup>1</sup> and ingested it while on duty.  
24 2. On or about December 19, 2007, respondent wrote a letter to Mr.  
25 Nevill in which she admitted that she "stole morphine syrup from the pediatric unit and  
26 ingested (it) while on duty."

27  
28 <sup>1</sup> Morphine is a dangerous drug as defined in section 4022, a schedule II controlled substance and  
narcotic as defined by section 11055, subdivision (b)(1) of the Health and Safety Code.

1           3.     Respondent Kim Louise Moscatiello has been apprized that  
2     Petitioner Respiratory Care Board intends to file a Petition for Interim Suspension Order  
3     with the Office of Administrative Hearings seeking a complete suspension of her  
4     Respiratory Care Practitioner (RCP) license, as well as an Accusation which will allege  
5     the underlying charges as a basis for revoking respondent's RCP license.

6           4.     Respondent is aware of her right under California Business &  
7     Professions Code section 494, subdivision (c), to a noticed hearing on any Petition for  
8     Interim Order of Suspension, as well as all other rights accorded her under California  
9     Business & Professions Code section 494, subdivision (d), which states that at the  
10    hearing on the petition for an interim order, the licentiate may:

11               (1) Be represented by counsel.

12               (2) Have a record made of the proceedings, copies of which shall be  
13    available to the licentiate upon payment of costs computed in accordance with the  
14    provisions for transcript costs for judicial review contained in Section 11523 of the  
15    Government Code.

16               (3) Present affidavits and other documentary evidence.

17               (4) Present oral argument.

18           5.     Respondent Kim Louise Moscatiello hereby knowingly, intelligently,  
19    freely and voluntarily waives each and every one of the rights set forth and/or  
20    referenced above, and that in lieu of responding to a Petition for Interim Suspension  
21    Order, she agrees to a voluntary suspension of her RCP License No.13312  
22    immediately.

23           6.     Respondent hereby stipulates that her license is suspended  
24    pending the resolution of the charges against her. In so stipulating, respondent  
25    acknowledges that her Respiratory Care Practitioner License No. 13312 shall be  
26    suspended until the effective date of any decision by the Office of Administrative  
27    Hearings, following the filing of an accusation. Respondent acknowledges she shall be  
28    prohibited from practicing as a respiratory care therapist in the State of California,

1 pending the issuance of a final Decision and Order by the Respiratory Care Board in  
2 the instant matter.

3 7. Respondent agrees that facsimile copies of this "Stipulation to an  
4 order of suspension" including any and all facsimile signatures appearing thereon, may  
5 be used in lieu of original documents and signatures and, further, that facsimile copies  
6 and signatures shall have the same force and effect as originals.

7 Dated: JANUARY 14, 2008.

8 

9 Kim Louise Moscatiello  
10 Respondent

11  
12 Dated: \_\_\_\_\_, 2008.

13 EDMUND G. BROWN JR., Attorney General of  
14 the State of California

15  
16 CATHERINE SANTILLAN  
17 Senior Legal Analyst

18 Attorneys for Petitioner

19 **ORDER**

20 IT IS SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2008.

21  
22  
23 \_\_\_\_\_  
24 ADMINISTRATIVE LAW JUDGE  
25  
26  
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28

1 pending the issuance of a final Decision and Order by the Respiratory Care Board in  
2 the instant matter.

3 7. Respondent agrees that facsimile copies of this "Stipulation to an  
4 order of suspension" including any and all facsimile signatures appearing thereon, may  
5 be used in lieu of original documents and signatures and, further, that facsimile copies  
6 and signatures shall have the same force and effect as originals.

7 Dated: \_\_\_\_\_, 2008.

8  
9 \_\_\_\_\_  
Kim Louise Moscatiello  
Respondent

10  
11  
12 Dated: January 22, 2008.

13 EDMUND G. BROWN JR., Attorney General of  
14 the State of California

15  
16 Catherine Santillan  
CATHERINE SANTILLAN  
17 Senior Legal Analyst

18 Attorneys for Petitioner

19 **ORDER**

20 IT IS SO ORDERED this 24<sup>th</sup> day of January, 2008.

21  
22  
23 Michael C. Bell  
ADMINISTRATIVE LAW JUDGE

24 Pursuant to <sup>B7P</sup> ~~Code~~ Code, § 494, subd. (F), the  
25 board shall file it's accusation within 15  
26 days of this interim order  
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Mee